

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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ROY LEE ROGERS,

Petitioner,

v.

Case No. 11-C-137

JEFFREY PUGH,

Respondent.

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**ORDER**

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Petitioner filed this action seeking habeas corpus relief under 28 U.S.C. § 2254. He asserts that his Fifth Amendment rights were violated and that his plea was involuntarily made. He also claims ineffective assistance of counsel and Fourth Amendment violations.

Petitioner has also filed a motion to stay. He asserts that some of these claims have not yet been exhausted in the state courts (they are currently on appeal), and his statute of limitations for filing for federal habeas relief was due to run out for the claims that were exhausted. This is the proper procedure for bringing a “mixed petition,” and the motion will therefore be granted. *See Tucker v. Kingston*, 538 F.3d 732, 735 (7th Cir. 2008) (“whenever good cause is shown and the claims are not plainly meritless, stay and abeyance is the preferred course of action.”)

The case is ordered **STAYED**. Petitioner is to inform the Court when his claims have been exhausted. If they have not been exhausted within nine months of the date of this Order, he should file a status report with this Court.

**SO ORDERED** this 14th day of March, 2011.

s/ William C. Griesbach  
William C. Griesbach  
United States District Judge